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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10 030,184	02/01/2002	Akio Nodera	217735USOXPT	114563

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EXAMINER

BUTTNER, DAVID J

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,184

Applicant(s)

NODERA, AKIO

Examiner

David Buttner

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 8 and 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7 and 9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The restriction requirement contained an obvious typographical error. Group I should have been 1, 6, 7 and 9 instead of 1-6, 7 and 9. The error is obvious because claims 2-5 require filler or functional silicone and would only be appropriately grouped with the filler or functional silicone groups.

Applicant's election with traverse of group I in Paper No. 10 is acknowledged. The traversal is on the ground(s) that the examples 1-5 of EP 899306 and XP-00216681 do not show the common feature among the four groups (PC + polyester+fluoro resin) is not patentable. This is not found persuasive because the XP-00216681 abstract clearly calls for 100PC, metal salts, 2-50 polyester, 0.01-3 fluorocarbon resin and some additional ingredients. Examples 1-5 of EP 899306 clearly show blends of PBT (a polyester), PC, 0.25 PTFE and additional ingredients. Either reference supports the conclusion that PC + polyester + fluoro resin (e.g., PTFE) is unpatentable. Searching and formulating rejections against the numerous fillers, functional silicones and PC-siloxane block polymers added to this base composition is a burden.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Dieck EP 105388 Patent.

Dieck exemplifies (# 5 of table 74) a blend of Valox, a brominated polycarbonate, Teflon 6, Copel 3320 and other ingredients. Valox is a polyester. Copel 3320 is inherently a PC-siloxane block polymer of 43% siloxane (see Boutni's description col. 8 line 41-45). Tieszen (col. 1 lines 48-58) describes the inherent properties of Teflon 6.

Claims 1, 6, 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over the Dieck EP 105388 Patent optionally in view of EP 692522.

Dieck does not report the MW of his polycarbonate or name any specific articles to be made from his composition. The claimed MW is within the conventional range. Housings for electric appliances are a conventional end use for polycarbonate compositions.

EP 692522 (page 6 line 3; page 8 line 29) can be cited to show the claimed MW and end uses are conventional for similar blends. It would have been obvious to use Dieck's blend as a housing and use a PC of 15,000MW.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Liao Patent.

Liao exemplifies (#1-5) blends of PC, PBT, PTFE, PC-siloxane block polymer and other ingredients. It is useful for electronic enclosures (col. 11 line 21).

Claims 1, 6, 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over the Liao Patent in view of EP ^{692,522}105388.

Liao does not report the MW of his PC or PTFE.

It is known antidrip PTFE should have a MW above 500,000 (page 5 lines 16-20 of EP 692522).

The MW claimed for the PC is within conventional ranges (see page 8 line 29 of EP 692522).

It would have been obvious to ensure the MW of Liao's PTFE and PC are within conventional ranges.

Mason is cited as being relevant to the non-elected claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 703-308-2403. The examiner can normally be reached on Weekdays from 10:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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DAVID J. BUTTNER
PRIMARY EXAMINER

D. Buttner/mn
May 30, 2003

David Buttner